



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:

January 12, 2010

Re: **Willis McCook House, 5105 Avenue, Pittsburgh, Pennsylvania**
Project Number: **23691**

Dear

My review of your appeal of the decision of Technical Preservation Services (TPS), National Park Service, denying certification of the rehabilitation of the property cited above is concluded. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I thank you for meeting with me in Washington on December 21, 2009, and for providing a detailed account of the project. I also thank

for participating in the meeting via
conference call.

After careful review of the complete record for this project, including the additional information, drawings and photographs forwarded with the e-mail messages to of the National Park Service from dated December 23, as well as those from dated December 22, and from you to me dated December 24, I have determined that the rehabilitation of the Willis McCook House is not consistent with the historic character of the property, and that the project does not meet Standards 2 and 6 of the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued on December 11, 2009, by TPS is hereby affirmed. However, I have further determined that the project could be brought into conformance with the Standards, and thereby be certified, if the corrective measures described below are undertaken.

The Willis McCook House was built in 1905-1906. In response to the submitted "Part 1 – Evaluation of Significance," the National Park Service issued a Preliminary Determination of Individual Listing (PDIL) on July 17, 2009, stating that the property appeared to meet the National Register Criteria for Evaluation and would "likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer."

In its initial review dated November 4, 2009, TPS found that the project would meet the Secretary of the Interior's Standards for Rehabilitation provided that three conditions were met regarding the rear terrace, the landscape plan, and the second floor hall. On December 10, 2009, TPS found that a revised plan satisfied the first condition regarding the landscape plan. Informed that the terrace had not been retained as was stipulated in the second condition, but was demolished, TPS then denied certification on

December 11, 2009. I agree with TPS that the demolished terrace was a character-defining feature of the Willis McCook House. Accordingly, its removal has caused the rehabilitation to contravene Standard 2, which states: *"The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided."*

At our meeting, you stated your conviction that the feature was not original to the house, citing a 1945 Sanborn map that shows the house but not the terrace, and various construction details suggesting it was built by different masons than those who erected the house. This information is not sufficient to dismiss its contribution to the overall historic character of the building. I note that the original drawings for the Willis McCook House show a terrace of the same size and configuration as the one that was existing at the beginning of the rehabilitation. And its absence on the 1945 Sanborn map is not conclusive: the same map also omits the front terrace.

You also presented evidence demonstrating that the terrace was deteriorated. I acknowledge that the deterioration it suffered over the years was severe. Its demolition, however, has caused the project to contravene Standard 6, which states: *"Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence."*

While the project as undertaken to date cannot be approved, I find that it could be brought into conformance with the Standards and thus meet the minimum test for certification if the terrace were to be rebuilt. The "proposed concept for [a] 2 bay reconstruction" shown in the presentation material dated December 21 is not sufficient. All four bays and the end stairway must be rebuilt, utilizing the stone and balustrades salvaged during the demolition, so that the exterior appearance of the terrace matches its original appearance. The underside of the terrace was always utilitarian space; consequently, the structure under the terrace does not have to match the original design or materials. Thusly reconstructed, the terrace would comply with Standard 6, cited above.

Finally, I note that the TPS letter of December 11, 2009, denying certification, did not address the third condition stipulated in the TPS review of November 4, 2009, concerning the proposed changes to the second floor hall. Thus, the condition relating to the second floor hall was not cause for the denial. However, that condition remains unresolved. I have reviewed the project record and concur with the third condition stipulated by TPS. I have determined that the second floor hall is a large, primary space, integral to the overall historic character of the interior. Accordingly, I find that the proposed insertion of new partitions and a new, enclosed, stairway to the third floor in the historically open second floor hall will severely diminish the open quality of the space and thus will adversely affect its historic character, in contravention of Standard 2, cited above. However, I have further determined that a revised proposal retaining significantly more of the open quality of this space, while still incorporating the new features, could be approved.

If you choose to proceed with the corrective measure for the terrace stipulated above, and to revise the design for the second floor hall, please submit an application amendment to this office, Attention: _____ with a copy to the Pennsylvania State Historic Preservation Office. Please note that this project will remain ineligible for the tax incentives until it is designated a "certified rehabilitation" following completion of the overall project.

As Department of the Interior regulations state, my decision is the final administrative decision regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,

A handwritten signature in black ink, appearing to read 'John A. Burns', with a stylized, flowing script.

John A. Burns, FAIA
Chief Appeals Officer
Cultural Resources

cc: SHPO-PA
IRS